



Attorney Docket No. 65678-0037

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Suhy, et al.

Serial No.: 09/714,702

Filed: November 16, 2000

For: APPARATUS AND METHOD FOR TRACKING  
AND MANAGING PHYSICAL ASSETS

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

SEP 25 2001

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

RECEIVED

SEP 25 2001

TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER

PETITION

PURSUANT TO 37 CFR 1.47 INVOLVING THE REFUSAL

OF A CO-INVENTOR TO EXECUTE THE POWER OF ATTORNEY

Pursuant to 37 CFR 1.47, counsel for the inventors makes the above-identified Petition according to the following facts:

1. The Patent Office has issued an A Notice to File Missing Parts of Nonprovisional Application—Filing Date Granted, on February 20, 2001.
2. As of today's date, all of the necessary Power of Attorney documents have been executed by David P. Francis, John M. Melby, Aaron J. Bly, Ryan J. Sherman, Andrew F. Suhy, Jr., and Patrick O'Brien, but not by Brent C. Parent.
3. As of today's date, all remaining issues raised in the Notice to File Missing Parts have been addressed.
4. At the time that the above-identified international application was filed, Dana Corporation employed Mr. Parent. Sometime after the application was filed, Mr. Parent ceased his employment with Dana Corporation. Papers showing the Assignment of the application by the inventors, including Mr. Parent, shall be filed shortly.
5. On February 16, 2001, a letter was sent to Brent C. Parent at his last known home address of 247 Stone Oak Court, Holland, Ohio 43528, requesting that he execute the Power of Attorney for the above-identified application, as shown in paragraph 2 of the letter. A copy of

the letter as well as a copy of the Combined Declaration and Power of Attorney form sent to Mr. Parent is attached as Exhibit A.

6. Confirmation that Mr. Parent in fact received the contents of Exhibit A is shown on the Federal Express Scan Detail Report attached as Exhibit B. The delivery receipt was signed by a family member.

7. On Monday, March 12, 2001, the undersigned personally contacted Mr. Parent at his home address by telephone. Mr. Parent informed the undersigned that he had thrown away any materials that had been sent to him that related to his former employer, Dana Corporation. He suggested that he was throwing away "hundreds of pounds" of material each week. The undersigned explained the necessity to receive Mr. Parent's assistance with respect to execution of the various documents associated with the earlier sent letter and indicated that the materials would again be sent out again for this review and execution. Mr. Parent confirmed during the discussion that it would not be difficult to use an enclosed self-address stamped Federal Express envelope to return the executed documents to the undersigned. Mr. Parent was also informed of the necessity to receive the documents no later than March 16, 2001.

8. Attached as Exhibit C is a copy of a letter sent to Mr. Parent on March 13, 2001, enclosing a copy of the letter dated February 16, 2001, as well as the various attachments identified in the earlier letter.

9. A confirmation that the letter dated March 13, 2001, was in fact received at Mr. Parent's home is attached as Exhibit D.

10. On Thursday, March 15, 2001, the legal secretary for the undersigned left a message for Mr. Parent noting the deadline of March 16, 2001, and the fact that no materials had yet been received from him.

11. On Friday, March 16, 2001, the legal secretary for the undersigned retrieved a voice mail message apparently from the wife of Mr. Parent, confirming that he had not executed any of the documents associated with the letter dated March 13, 2001.

12. Subsequently, on March 29, 2001, the legal secretary for the undersigned had a telephone conference with Mr. Parent, following up on the second package. Mr. Parent continued to refuse to sign and send the formal papers.

37 CFR 1.47(a) notes that if a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the non-signing inventor. It is respectfully submitted

that with the submission of Combined Declaration and Power of Attorney documents from all of the other inventors, the application for patent has been appropriately made by the other inventors.

Further, in view of the facts noted above, it is respectfully submitted that diligent effort has been made to provide the non-signing inventor with the necessary document.

Therefore, in view of the foregoing statements and accompanying exhibits, it is respectfully submitted that a proper showing has been made pursuant to 37 CFR 1.47 to address the Notice to File Missing Parts.

Respectfully submitted,



Date: April 19, 2001

Customer No. 010291

Telephone No. (248) 594-0633

---

Michael B. Stewart, Reg. No. 36,018  
Attorney for Applicants  
RADER, FISHMAN & GRAUER PLLC  
39533 Woodward, Suite 140  
Bloomfield Hills, MI 48304

R0110734.DOC

# Exhibit A

LAW OFFICES

**RADER, FISHMAN & GRAUER**

Professional Limited Liability Company

39533 Woodward Avenue

Suite 140

BLOOMFIELD HILLS, MICHIGAN 48304

TELEPHONE (248) 594-0600

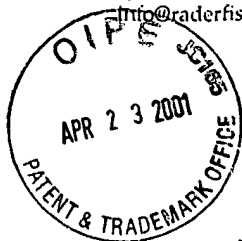
FACSIMILE (248) 594-0610

INTELLECTUAL PROPERTY MATTERS

Grand Rapids, Michigan  
Washington, DC  
Englewood, Colorado

<http://www.intelprop.com>

[mbs@raderfishman.com](mailto:mbs@raderfishman.com)



MICHAEL B. STEWART

(248) 594-0633

[mbs@raderfishman.com](mailto:mbs@raderfishman.com)

**VIA OVERNIGHT COURIER  
(SIGNATURE RELEASE) AND  
FIRST CLASS MAIL**

February 16, 2001

Brent C. Parent  
247 Stone Oak Court  
Holland, OH 43528

Re: Various Power of Attorney Documents

Dear Brent:

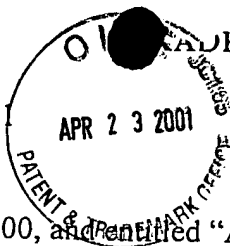
I hope things are going well. We request your assistance in executing the following documents associated with various patent applications that were filed while you were with Dana Commercial Credit, and as provided for in the employee invention and disclosure agreement of Dana Commercial Credit. Unfortunately, one of the documents should be filed no later than March 7, 2001, so your prompt assistance is respectfully requested. Once the documents have been signed, please send them back to my attention using the enclosed self-addressed stamped package. The applications are for your records and do not need to be returned.

If you would like, I would be pleased to keep you apprised of the progress of these applications and make sure that you receive copies of any U.S. patents that issue since you will be named on them. To do so, I would appreciate receiving any updated address or e-mail information.

The documents to be executed are as follows:

- 1) An Assignment covering a number of the applications filed.
- 2) A Power of Attorney for PCT patent application PCT/US00/31426, filed November 15, 2000, and entitled "System and method for virtual rental fleet, modeling a simulated fleet of assets and disposing of assets". For your convenience, a copy of the application is enclosed.
- 3) A Power of Attorney for PCT patent application PCT/US00/31551, filed

Brent C. Parent  
February 16, 2001  
Page 2



RADER, FISHMAN & GRAUER PLLC

November 16, 2000, and entitled "Apparatus and method for tracking and managing physical assets". For your convenience, a copy of the application as filed is enclosed.

4) A Combined Declaration and Power of Attorney for US Patent Application Serial No. 09/702,363, filed October 31, 2000, and entitled "Apparatus and method for tracking and managing physical assets." For your convenience, a copy of the application as filed is enclosed.

5) A Combined Declaration and Power of Attorney for US Patent Application Serial No. 09/714,702, filed November 16, 2000, and entitled "Apparatus and method for tracking and managing physical assets." For your convenience, a copy of the application as filed is enclosed.

If you have any questions, please contact me by e-mail or at the phone number above.  
Thank you again for your assistance.

Very truly yours,

RADER, FISHMAN & GRAUER PLLC

Michael B. Stewart

MBS/amv  
Enc.

R0105458.DOC



Practitioner's Docket No. 65678-0037

**PATENT**

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**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

---

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

APPARATUS AND METHOD FOR TRACKING AND MANAGING PHYSICAL ASSETS

**SPECIFICATION IDENTIFICATION**

The specification was filed on November 16, 2000 and assigned Serial No. 09/714,702.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56.



Practitioner's Docket No. 65678-0037

PATENT

### POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Michael B. Stewart

Registration Number 36,018

Robert M. Leonardi

Registration Number 27,815

Phillip A. Rotman II

Registration Number 38,290

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

---

#### SEND CORRESPONDENCE TO

#### DIRECT TELEPHONE CALLS TO:

Michael B. Stewart  
Rader, Fishman & Grauer PLLC  
39533 Woodward Avenue, Suite 140  
Bloomfield Hills, MI 48304

Michael B. Stewart  
(248) 594-0600

Customer Number: 010291

---

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE

Brent C. Parent

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship \_\_\_\_\_

Residence 247 Stone Oak Court, Holland, Ohio 43528

R0105446.DOC



# Exhibit B



# Federal Express Scan Detail Report

Report Run Date : 03/16/2001  
Report Run Time : 11:59

Packing Number : 470263928510  
Service Type : PB

Activity	City	State	Date	Time
Delivered	NORTHWOOD	OH	02/19/2001	09:26
Package on Van	NORTHWOOD	OH	02/19/2001	07:28
Arrived at FedEx Destination Location	NORTHWOOD	OH	02/19/2001	07:26
Left FedEx Ramp	ROMULUS	MI	02/16/2001	23:22
Arrived at FedEx Ramp	ROMULUS	MI	02/16/2001	23:19
kg Status Exception	ROMULUS	MI	02/16/2001	23:09
Left FedEx Ramp	ROMULUS	MI	02/16/2001	22:52
Arrived at FedEx Ramp	ROMULUS	MI	02/16/2001	22:16
kg Status Exception	ROMULUS	MI	02/16/2001	22:16
Left FedEx Origin Location	SOUTHFIELD	MI	02/16/2001	21:45
Picked up	SOUTHFIELD	MI	02/16/2001	17:39

Delivered to : Residential  
Delivery time : 09:26  
Signed for by : K.PARENT  
Delivered Address : 247 STONE OAK COURT

# Exhibit C



://www.intelprop.com  
fo@raderfishman.com

LAW OFFICES  
**RADER, FISHMAN & GRAUER**  
Professional Limited Liability Company  
39533 Woodward Avenue  
Suite 140  
BLOOMFIELD HILLS, MICHIGAN 48304  
TELEPHONE (248) 594-0600  
FACSIMILE (248) 594-0610  
INTELLECTUAL PROPERTY MATTERS

Grand Rapids, Michigan  
Washington, DC  
Englewood, Colorado

MICHAEL B. STEWART

(248) 594-0633  
mbs@raderfishman.com

VIA OVERNIGHT COURIER  
(SIGNATURE RELEASE)

March 13, 2001

Brent C. Parent  
247 Stone Oak Court  
Holland, OH 43528

Ref: 65678-0999  
Dept:

Date: 13MAR01	SHIPPING \$13.81
Wgt: 1 LBS	SPECIAL \$0.55
	HANDLING \$0.00
	<hr/> TOTAL \$14.36

SERVICE: PRIORITY OVERNIGHT  
TRACK: 4702 4393 0807

Re: Various Power of Attorney Documents

Dear Brent:

Thank you for speaking with me last night. I understand that you have been throwing away materials that you have received from Dana Corporation. At your request, we are enclosing another copy of the materials that were originally sent to you. As I indicated, I have already received signed copies of the necessary documents from the other inventors, including Andy Suhy. Therefore, your assistance would be greatly appreciated in executing and returning the materials as indicated in our earlier letter. The absolute deadline by which I must have the papers is Friday, March 16, 2001, because of one of your international applications.

With your assistance, I will keep you informed concerning the status of the various applications, and make sure to provide you a copy of any issued patents so that you may update your resume accordingly.

Thank you for your assistance and I look forward to receiving the materials later this week. For your convenience, we again enclose a self-addressed Federal Express envelope. We will pay for the shipping charges associated with the return of the materials. You confirmed that using Federal Express would not pose a problem for you.

Very truly yours,

RADER, FISHMAN & GRAUER PLLC

Michael B. Stewart

MBS/amv  
Enc.

RD107434.DOC

# Exhibit D



x Express | Tracking | Results Detail

United States



Ship Track Return Signature Proof Locations Pickup International Tools

About FedEx | Service Info | Careers | eBusiness Tools | Manage My Account | Customer Service | Site Index

Get More Online Services

Search for

[Track Shipments](#)  
[Create Reference Track](#)  
[Mail Track](#)  
[Hi-Carrier Track](#)

## Track Shipments

### Detailed Results

[FedEx Links](#)  
[FedEx Wireless Solutions](#)  
[FedEx Sidebar Track](#)  
[Web Finder](#)  
[Signature Proof](#)  
[Held Track](#)  
[Storm Critical](#)  
[FedEx eCommerce Builder](#)  
[Print, Bind & Ship](#)

Tracking Number 470263930807  
Reference Number  
Ship Date  
Delivered To Recipient  
Delivery Location HOLLAND OH  
Delivery Date/Time 03/14/2001 09:54  
Signed For By 4484776  
Service Type Priority Pak

#### Tracking Options

- Obtain a [Signature Proof of Delivery](#)
- [Email these tracking results](#) to one or more recipients
- [Track More Shipments](#)

Scan Activity	Date/Time	Comments
Delivered NORTHWOOD OH	03/14/2001 09:54	No signature required - release waiver on file
Delivered NORTHWOOD OH	03/14/2001 09:54	No signature required - release waiver on file
On FedEx vehicle for delivery NORTHWOOD OH	03/14/2001 08:33	
Arrived at FedEx Destination Location NORTHWOOD OH	03/14/2001 08:02	
Left FedEx Ramp ROMULUS MI	03/13/2001 22:57	
Arrived at FedEx Ramp ROMULUS MI	03/13/2001 21:36	
Package status ROMULUS MI	03/13/2001 21:35	
Left FedEx Origin Location SOUTHFIELD MI	03/13/2001 21:01	
Picked up by FedEx SOUTHFIELD MI	03/13/2001 17:46	

#### Email Your Detailed Tracking Results

Enter your email (optional), up to three email addresses as recipients, add your message, and click on Send Email.

From

To

To

To

Add a message to this email.



Practitioner's Docket No. 65678-0037

PATENT

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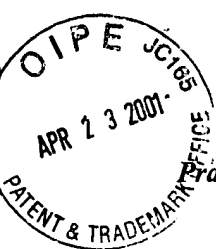
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Michael B. Stewart

Registration Number 36,018

Robert M. Leonardi

Registration Number 27,815

Phillip A. Rotman II

Registration Number 38,290

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

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Michael B. Stewart  
Rader, Fishman & Grauer PLLC  
39533 Woodward Avenue, Suite 140  
Bloomfield Hills, MI 48304

Michael B. Stewart  
(248) 594-0600

Customer Number: 010291

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Andrew F. Suhy, Jr.  
Inventor's signature

SIGNATURE

Date 3-5-01

Country of Citizenship USA

Residence 30 Avenue at Port Imperial #301, West New York, New Jersey 07093





Attorney Docket No. 65678-0037

*PATENT*

---

**COMBINED DECLARATION AND POWER OF ATTORNEY**

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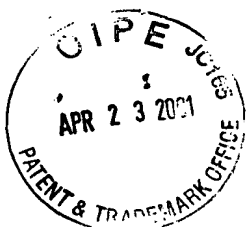
**SPECIFICATION IDENTIFICATION**

The specification was filed on November 16, 2000. I hereby authorize and request my attorney(s) of record in this application to insert the serial number and filing date of this application in the spaces that follow: Serial Number: \_\_\_\_\_, Filing Date: \_\_\_\_\_.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

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39533 Woodward Avenue, Suite 140  
Bloomfield Hills, MI 48304

Michael B. Stewart  
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Customer Number: 010291

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## SIGNATURES

J. Aaron Bly  
Inventor's signature

J. Aaron Bly

Date 11-30-2000

Country of Citizenship USA

Residence 2650 Pine Trace Drive #4, Maumee, Ohio 43537

David P. Francis  
Inventor's signature

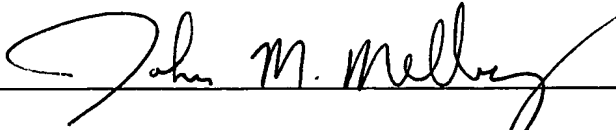


Date 12/1/00

Country of Citizenship U.S.A

Residence 345 Wilderness Trail, Holland, Ohio 43528

John M. Melby  
Inventor's signature

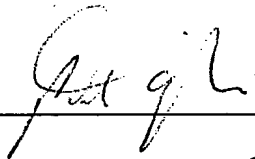


Date 11/29/2000

Country of Citizenship U.S.A.

Residence 2734 Sandalwood Drive, Toledo, Ohio 43614

Patrick O'Brien  
Inventor's signature



Date 12/1/00

Country of Citizenship USA

Residence 613 Midfield Drive, Maumee, Ohio 43537

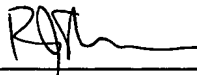
Brent Parent  
Inventor's signature

Date \_\_\_\_\_

Country of Citizenship \_\_\_\_\_

Residence 247 Stone Oak Court, Holland, Ohio 43528

Ryan J. Sherman  
Inventor's signature



Date 11-29-00

Country of Citizenship USA

Residence 430 E. Fifth Street, Perrysburg, Ohio 43551

Andrew F. Suhy, Jr.  
Inventor's signature

Date \_\_\_\_\_

Country of Citizenship \_\_\_\_\_

Residence 1471 Indian Creek Drive, Perrysburg, Ohio 43551